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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, and DELIVERY MODE.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HARUHUSA TANIGUCHI, HIDEOMI SHISHIDO,  
SHIGEO DOI, YOSHIHISA OKIMURA and HANS-PETER NURNBERG

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Application No. 10/717,985  
Technology Center: 1700

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Mailed: January 14, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

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The following English translation listed under Evidence Relied Upon section of the Examiner's Answer mailed July 11, 2007, is missing from the IFW file. Appropriate correction is required.

JP 01/265979 (Shishido et al)

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

This IFW is not in compliance with the above because it does not appear to contain a certified English translation for the Japanese patent to Shishido et al. (JP 01/265979) dated October 1989, which was relied upon by the Examiner in his rejection of the claims.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

1) to have the English translation for the Japanese patent (JP 01/265979) scanned into the record; and

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2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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